

REMARKS

1. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-22 are pending in this application.

Claims 1-8 have been rejected under 35 U.S.C. §112 as being indefinite. Claims 1-4, 7-12, 15-19, 21 and 22 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,795,809 to O'Brien et al. Claims 5, 6, 13, 14 and 20 have been rejected under 35 U.S.C. §103(a) as being obvious over O'Brien et al. in view of U.S. Pat. Appl. No. US 2001/0042008 to Hull et al. After a careful review of the claims (as amended), it has been concluded that the rejections are in error and the rejections are therefore traversed.

2. Claims 1-8 have been rejected as being indefinite. In response, claim 1 has been amended to eliminate any indefiniteness.

3. Claims 1-22 have been rejected as being obvious over O'Brien et al. In response, independent claim 1 has been further limited to the context "where the third-party database is separate from any vendor". Independent claims 9 and 17 have been similarly limited. Support for this additional limitation may be found in FIG. 1 which clearly shows that the third-party database 28 is separated from any vendor 12, 14 by the Internet 26. In addition, "The only limitation is that the vendor 12, 14 and the customer 32, 34 have access to the public switched telephone network (PSTN)/Internet and a relationship with a third-party

database 28" (specification, page 3, lines 4-7).

Independent claims 1, 9 and 17 have also been limited to the context where "where in order to preserve customer privacy, customer data is released to the vendor in summary form only". Support for this limitation may be found on page 5, lines 16-18 of the specification.

In contrast, O'Brien et al. is directed to "point-of-sale systems for recording sales transactions involving discount coupons" (O'Brien et al., col. 5, lines 5-7). Under O'Brien et al. "the terminals 12 and the store controller are connected together in ring bus configuration, known as the terminal processing loop, indicated at 16" (O'Brien et al., col. 5, lines 18-21). Further, the O'Brien et al. "invention is implemented principally in software forming a personal computer 20, which is coupled to the terminal processing loop 16, as indicated by line 21, in a manner that the personal computer appears to the store controller 10 to be another terminal" (O'Brien et al., col. 5, lines 31-35).

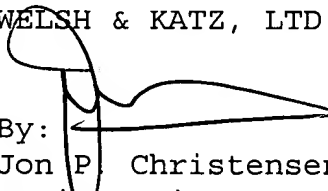
Since the O'Brien et al. personal computer 20 is part of a single point-of-sale system of a single vendor, O'Brien et al. is not "a third-party database . . . separate from any vendor". In addition, since O'Brien et al. involves a single vendor, there could not be any context where "in order to preserve customer privacy, customer data is released to the vendor in summary form only". Since O'Brien et al. cannot meet at least these claim limitations, O'Brien et al. does not teach or suggest each and every claim limitation. Since O'Brien et al. does not teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

4. Claims 5, 6, 13, 14 and 20 have been rejected as being obvious over O'Brien et al. in view of Hull et al. However, Hull et al. also fails to provide any teaching or suggestion of "a third-party database . . . separate from any vendor" or where "in order to preserve customer privacy, customer data is released to a vendor in summary form only". Since the combination of O'Brien et al. and Hull et al. fail cannot meet at least these claim limitations, the combination does not teach or suggest each and every claim limitation. Since the combination does not teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

5. Allowance of claims 1-22, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

WELSH & KATZ, LTD.

By: 
Jon P. Christensen
Registration No. 34,137

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WELSH & KATZ, LTD.
120 S. Riverside Plaza
22nd Floor
Chicago, Illinois 60606
312-655-1500